

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

Applicants wish to thank the Examiner for the notice that claim 13 would be allowable if written in independent form. Applicants have also amended claim 13 to correct a typographical error.

Applicants also wish to thank the Examiner for the notice that claim 5 would be allowable if written in independent form and if written to overcome the rejection under 35 U.S.C. §112, 2nd paragraph.

Claims 1-9 stand rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the office action objects to the use of the word, for example, “operative to” as it is alleged that the use of these words make the claims merely recite a possibility, thereby rendering the claims indefinite. Applicants respectfully traverse and request reconsideration since this claim language requires that the claimed circuit and wireless device be operative to carry out the operations as claimed. If the rejection is maintained, Applicants respectfully request case law support for this rejection as the claims are in proper form.

Claims 1-4, 6-7, 8-12 and 14-20 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,734,980 (Hooper et al.). Hooper is directed to a preferred system selection technique for mobile terminals that selects a preferred system by scanning a range of operating frequencies to detect wireless systems. Each time a wireless system is detected, a determination is made as to whether the detected wireless system is a most preferred system or a lesser preferred system. If the detected wireless system is determined to be the most

preferred system scanning is terminated and the detected wireless system is selected for wireless communication. Applicants claim a different approach.

As to claims 1, 6, 8, 10, 14 and 19, Applicants claim a circuit, device or method that performs a first more preferred SID acquisition sequence and a second more preferred SID acquisition sequence that includes repeatedly attempting acquisition of a more preferred stored SID element during the second more preferred SID acquisition sequence. For example, as noted in the Specification (see for example, paragraph 18), according to one embodiment, the circuit repeatedly scans for the more preferred (i.e. home) system even after the circuit determines that acquisition on the more preferred system is unavailable and acquires service from a less preferred system. By extending the search for the more preferred system repeatedly the window of opportunity to find a more preferred system will increase the likelihood that the wireless device will acquire the more preferred system. Other advantages will also be recognized. In contrast, Hooper teaches to end scanning of multiple frequencies once a determination is made that the home system has been detected. There is no second more preferred SID acquisition sequence done or repeated. For example, as claimed, a mobile device may, for example, scan the same frequency repeatedly when that frequency is the most preferred.

The office action cites column 9, line 46 to column 10, line 65 as allegedly teaching a second more preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more preferred storage SID element during the second more preferred SID acquisition sequence. However, the cited portion actually teaches that once a home system is detected, the scanning stops. No second more preferred acquisition sequence occurs. In addition, it is respectfully noted that the flowchart of FIG. 2 shows that scanning only continues if, for example, step 90 is reached wherein the default system is a lesser preferred system, not a more preferred SID. In addition, the flowchart shows that step 84 eliminates home system

scanning, step 86 eliminates the most preferred systems and in step 100, the next frequency is selected for scanning. The default system is the lesser preferred system. Accordingly, the claimed subject matter is not anticipated by the cited reference and the claims are in condition for allowance.

In addition, the dependent claims add additional novel and non-obvious subject matter and are therefore also allowable.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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